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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/753,086	HATALKAR, ATUL N.	
	Examiner	Art Unit	
	Benjamin R Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 13-26 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Claims 1-26 are pending in this Office Action.

The 35 U.S.C. 112, second paragraph rejection is withdrawn from claims 6 and 12 but is now applied to claims 1, 7, 13 and 21.

Response to Arguments

Applicant's arguments filed on 1/24/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 1, 7, 18 and 21 objected to because of the following informalities:

With regard to claims 1, 7, and 21 the limitation of updating the data, “if the message contains a group membership file with client memberships associated with the first client.” It is believed that the message already contains a group membership file and that “a group membership file” denotes another or new membership file. The examiner might suggest rewriting the limitation to read “if the message contains the group file with client memberships associated with the first client” then performing the task or “the group membership sfile within the message.”

Claims 18 and 21 read in the third limitation, second line “the group member file...” This is believed to be a type for membership file. In claim 21 it reads twice.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 7, 13, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims recite the pronoun "it" which makes certain claim limitations read vague or unclear.

Claim 1 recites "whether it contains a group membership file..." It is believed to represent the message but could mean the host or data.

Claim 1 recites the limitation "and whether it contains a client specific payload directed to a predetermined client." There is insufficient antecedent basis for this limitation in the claim. The examiner believes the term it pertains to the message but it could be interpreted as the group membership file. Similarly for claims 7, 13 and 21.

Applicant's Invention as claimed:

Claims 1-5, 7-11, 13-22, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,262,984 by Rochberger

Regarding claim 1, a method comprising:

storing data indicative of membership in a first group at a first client (Rochberger: col. 3, lines 3-14; col. 9, lines 8-10, Table 1);

at a system host, transmitting a message to a plurality of clients including said first client (Rochberger: col. 3, lines 31-53; col. 6, lines 51-61; PTSPS), the message indicating whether it contains a group membership file including information indicative of client memberships in two or more groups for the group information (Rochberger: col. 3, lines 4-45) and whether it contains a client specific payload direct to a predetermined client (Rochberger: col. 1, lines 44-57; col. 3, lines 4-53; PTSE are encapsulated into PTSPS);

updating the data indicative of membership in the first group at the first client if the message contains a group membership file with client memberships associated with the first client; and (Rochberger: col. 3, lines 15-23; synchronizing the database); and

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processing the message at the first client if the message contains a client specific payload and the first client is the predetermined client (Rochberger: col. 3, lines 31-53; PTSE installed into database topography).

Regarding claim 2, the method of claim 1, wherein the data indicative of membership in the first group comprises a first group identifier (Rochberger: col. 9, Peer Group ID).

Regarding claim 3, the method of claim 2, further comprising:

creating the first group including two or more member clients, a member client having a client identifier (Rochberger: col. 5, lines 65- col. 6, line 15);

assigning the first group identifier to the first group (Rochberger: col. 6, lines 25); and

associating the client identifiers of the member clients with the first group identifier in the group membership file (Rochberger: col. 9 Table; Node ID, Peer Group ID, Node Address).

Regarding claim 4, the method of claim 3, wherein the each member client satisfies a criterion (Rochberger: col. 5, lines 65- col. 6, line 15; criteria can be in the same peer group or has a peer group id col. 6, lines 16-36).

Regarding claim 5, the method of claim 4, wherein the criterion comprises client profile information (Rochberger: col. 6, lines 6-10).

Regarding claim 26, the method of claim 1, wherein the group membership file includes a plurality of group membership identifiers associated (Rochberger: col. 6, lines 24-37; peer group ID; col. 2, lines 51-67) with a plurality of client identifiers corresponding to a plurality of clients (Rochberger: col. 6, lines 25-36; unique node IDs).

Regarding claim 7, an article comprising:

a machine-readable medium which stores machine executable instructions (Rochberger: col. 3, lines 3-15; node), the instructions causing a machine to:

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storing data indicative of membership in a first group at a client (Rochberger: col. 3, lines 3-14; col. 9, lines 8-10, Table 1);

transmit a message to a plurality of clients including said client (Rochberger: col. 3, lines 31-53; col. 6, lines 51-61; PTSPS), the message indicating whether it contains a group membership file including information indicative of client memberships in two or more groups at a system host (Rochberger: col. 3, lines 4-45) or whether it contains a client specific payload directed to a predetermined client (Rochberger: col. 1, lines 44-57; col. 3, lines 4-53; PTSE are encapsulated into PTSPS);

update the data indicative of membership in the first group at the client if the message contains a group membership file with client memberships associated with the client (Rochberger: col. 3, lines 15-23; synchronizing the database); and

process the message at the client if the message contains a client specific payload and the client is the predetermined client (Rochberger: col. 3, lines 31-53; PTSE installed into database topography).

Regarding claim 8, the article of claim 7, wherein the data indicative of membership in the first group comprises a first group identifier (Rochberger: col. 9, Peer Group ID).

Regarding claim 9, the article of claim 8, further comprising instructions causing the machine to:

create the first group including two or more member clients, a member client having a client identifier (Rochberger: col. 5, lines 65- col. 6, line 15);

assign the first group identifier to the first group (Rochberger: col. 6, lines 25); and

associate the client identifiers of the member clients with the first group identifier in the group membership file (Rochberger: col. 9 Table; Node ID, Peer Group ID, Node Address).

Regarding claim 10, the article of claim 9, wherein the criterion comprises client profile information (Rochberger: col. 5, lines 65- col. 6, line 15; criteria can be in the same peer group or has a peer group id col. 6, lines 16-36).

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Regarding claim 11, the article of claim 10, wherein the criterion comprises client profile information (Rochberger: col. 6, lines 6-10).

Regarding claim 13, an apparatus comprising:

- a memory operative to store an apparatus identifier (Rochberger: col. 3, lines 3-14; col. 9, lines 8-10, Table 1);

- a receiver operative to receive a message (Rochberger: col. 3, lines 31-53; col. 6, lines 51-61; PTSPS) indicating whether it contains a group membership file (Rochberger: col. 3, lines 4-45) or a client specific payload directed to a predetermined client in a first transmission, said file including a group identifier and two or more associated member identifiers (Rochberger: col. 1, lines 44-57; col. 3, lines 4-53; PTSE are encapsulated into PTSPS);

- a receiver controller (Rochberger: col. 3, lines 3-15; node) operative to store the group identifier in the memory in response to said apparatus identifier matching one of said member identifiers (Rochberger: col. 3, lines 30-52); and

- a processor to process the client specific payload if the apparatus is the predetermined client (Rochberger: col. 3, lines 31-53; PTSE installed into database topography).

Regarding claim 14, the apparatus of claim 13, wherein the group membership file comprises two or more group identifiers, a group identifier associated with two or more member identifiers (Rochberger: col. 9, lines 8-10, Table 1).

Regarding claim 15, the apparatus of claim 13, wherein the receiver controller is operative to identify each group identifier associated with a member identifier that matches the apparatus identifier, and to update the memory to include such identified group identifiers (Rochberger: col. 3, lines 15-30; col. 6, lines 25-30).

Regarding claim 16, the apparatus of claim 15, wherein said updating comprises removing a stored group identifier in response to said group identifier not being associated with the apparatus identifier in the group membership file (Rochberger: col. 3, lines 15-30, lines 48-53).

Regarding claim 17, the apparatus of claim 13, wherein the receiver is operative to receive a message including an identifier and a payload portion (Rochberger: col. 3, lines 30-52), and wherein the receiver controller is operative to compare said identifier to the apparatus identifier and the stored group identifier (Rochberger: col. 3, lines 3-15) and discard said message in response to said identifier not matching one of said apparatus identifier and said group identifier (the message is ignored when the identifier is not matched).

Regarding claim 18, a system host comprising:

- a memory for storing a group membership file and at least one client specific payload (Rochberger: col. 3, lines 3-14; col. 9, lines 8-10, Table 1), the group membership file including two or more group identifiers, a group identifier associated with two or more member identifiers (Rochberger: col. 3, lines 4-45), the client specific payload being directed to a predetermined client (Rochberger: col. 1, lines 44-57; col. 3, lines 4-53; PTSE are encapsulated into PTSPS);

- a group generator operative to create a first group including two or more first group member identifiers that share a first criterion and associate a group identifier with the two or more first group membership identifiers in the group membership file (Rochberger: col. 5, lines 65- col. 6, line 37); and

- a transmitter operative to transmit a message containing at least one of the group membership file and the at least one client specific payload to a plurality of client devices (Rochberger: col. 3, lines 31-53), two or more of said client devices having client identifiers that match the first group member identifiers, and one of said plurality of client devices being the predetermined client (Rochberger: col. 3, lines 4-30).

Regarding claim 19, the system host of claim 18, further comprising: a transmission controller operative to transmit the group membership file to said plurality of client devices at scheduled intervals (Rochberger: col. 2, lines 50-61; col. 5, line 50).

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Regarding claim 20, the system host of claim 19, wherein the group generator is operative to update the group membership file and transmit the updated group membership file to the plurality of client devices (Rochberger: col. 3, lines 15-30).

Regarding claim 21, a system comprising:

- a system host (Rochberger: col. 3, lines 4-15) comprising:

- a memory for storing a group membership file and at least one client specific payload (Rochberger: col. 3, lines 3-14; col. 9, lines 8-10, Table 1), the group membership file including two or more group identifiers, each group identifier associated with two or more member identifiers (Rochberger: col. 3, lines 4-45), the client specific payload being directed to a predetermined client (Rochberger: col. 1, lines 44-57; col. 3, lines 4-53; PTSE are encapsulated into PTSPS);

- a group generator operative to create a first group including two or more first group member identifiers that share a first criterion (Rochberger: col. 5, lines 65- col. 6, line 36) and associate a first group identifier with the two or more first group membership identifiers in the group membership file (Rochberger: col. 6, lines 38-58; col. 5, lines 65- col. 6, line 15);

- a transmitter operative to transmit a message containing at least one of the group member file and the at least one client specific payload (Rochberger: col. 3, lines 31-53); and

- a plurality of clients (Rochberger: col. 3, lines 4-15), a client comprising:

- a memory operative to store an apparatus identifier (Rochberger: col. 9, lines 8-10; col. 3, lines 15-30);

- a receiver operative to receive the message in a first transmission and determine whether it contains a group membership file or a client specific payload (Rochberger: col. 3, lines 3-15; node); and

- a receiver controller operative to store a group identifier in the memory in response to said apparatus identifier matching one of said member identifiers (Rochberger: col. 3, lines 30-52; install); and

a processor to process a client specific payload if the message contains a client specific payload and the client is the predetermined client (Rochberger: col. 3, lines 31-53; PTSE installed into database topography).

Regarding claim 22, the system of claim 21, wherein said communication link comprises a transmission line (Rochberger: col. 2, lines 50, 51).

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,262,984 by Rochberger in view of U.S. Patent No. 6,434,159 by Woodward et al.

Regarding claim 23,

The Rochberger reference teaches the system of claim 21, wherein said data is communicated along a communication link.

The Rochberger reference does not explicitly disclose wireless communication.

The Woodward reference teaches a wireless communication network with wireless connection links (Woodward: col. 20, lines 1-19).

The Woodward reference further teaches the wireless network overcomes the offensive impediments of wired interconnected networks for portable devices (Woodward: col. 2, lines 33-43).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for storing group membership information with identifiers while creating groups that share criterion as taught by Rochberger while using a wireless communication link as taught by Woodward in order increase portable device connectivity (Woodward: col. 2, lines 33-43).

Claims 23-25 are rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Rochberger and Woodward et al.

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Regarding claim 24, the system of claim 21, wherein said client devices comprise set-top appliances adapted for connection to a television (Woodward: col. 5, lines 24-45; Woodward: col. 20, lines 1-19).

Regarding claim 25, the system of claim 21, wherein said client devices comprise hand-held wireless communication devices (Woodward: col. 5, lines 24-45; Woodward: col. 20, lines 1-19).

Allowable Subject Matter

Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REMARKS

Applicant has amended his claims to include payload information. The examiner believes that payload is just the data portion of a packet that is not a part of the header. Applicant added claim language that is interpreted as indefinite and the examiner has cited that in the 112, second paragraph and claim objections. An updated search has been performed and the best art of record is again cited based on applicant's claim language. Applicant is encouraged to further define client specific payload with details from the specification.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,742,028 issued to Wang et al teaches client specific content.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155

brb *BRB*

[Signature]
Benjamin R Bruckart
Examiner
Art Unit 2155